

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
TEMPORARY CHANGE OF A )  
WATER RIGHT 34-228A, 34-229, 34-360c )  
34-856G )  
MERIDITH J. DOTZENROD )

ORDER AUTHORIZING  
TEMPORARY CHANGE

TC-34-63

WHEREAS, a drought emergency has been declared for CUSTER County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on March 15, 2005, MERIDITH J. DOTZENROD submitted the attached Temporary Change Application TC-34-63 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 34-288A, 34-229, 34-360c ; 34-856G is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

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5. Right(s) 34-228A, 34-229, 34-360C & 34-856G are limited to the irrigation of a total of \_\_\_\_\_ acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on Nov 1, 2005 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 6<sup>th</sup> day of April, 2005.



Ronald D. Carlson  
Eastern Regional Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant: MS. R. DITH J. DOTSENKROD Phone 208-588-2957  
Post Office Address 3776 W 3700N, DARLINGTON ID. 83215

A. PURPOSE OF TRANSFER

1.  Change point of diversion  Add diversion point(s)  Change place of use  
 Change purpose of use  Other

2. Describe the proposed change(s) and the reason(s) thereof change place of use to put water to a more beneficial use due to drought

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-00228A</u>	<u>6/1/1884</u>	<u>.8 cfs</u>	<u>irrigation</u>	<u>5/1</u> to <u>10/15</u>
<u>34-00256G</u>	<u>4/30/1884</u>	<u>.8 cfs</u>	<u>irrigation</u>	<u>5/1</u> to <u>10/15</u>
<u>34-00229</u>	<u>6/1/1884</u>	<u>1.6 cfs</u>	<u>irrigation</u>	<u>5/1</u> to <u>10/15</u>
<u>34-00360C</u>	<u>6/1/1887</u>	<u>.92 cfs</u>	<u>irrigation</u>	<u>5/1</u> to <u>10/15</u>

2. Total amount of water being transferred 4.12 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
3. Source of water Big Lost River tributary to sinks.  
4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE		33	7N	24E	Custer	DARLINGTON DITCH

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>25E</u>	<u>35</u>					<u>38</u>	<u>38</u>	<u>40</u>	<u>40</u>	<u>37</u>								<u>193</u>

Total Acres 193

6 General Information:

TC-34-63

- a. Who owns the water right to be changed? MERIDITH J. DOTZENROD
- b. Describe the arrangement allowing use of the right partnership
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Land has been pastured only, not irrigated, for several years so there will be no change in effect
- d. Has the water right sought to be transferred been used this year? no If yes, explain \_\_\_\_\_
- e. Absent the changes, how would the right be used for the remainder of the year? not used
- f. Describe other water rights used for the same purpose.  
WARRANTS: 37-00194A, 00872A, 10729, 13567
- g. Remarks: Due to drought conditions I would like to use this water on irrigated crop lands to put it to beneficial use.

I hereby assume all risk in accordance with Section 42-223A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Meredith J. Dotzenrod  
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KAT Date 3/15/05 Fee \$ 50<sup>00</sup>  
 Received 3/15/05 E 030680 # E030680 Recommend: \_\_\_\_\_ approve \_\_\_\_\_ deny \_\_\_\_\_  
 Watermaster recommendation \_\_\_\_\_

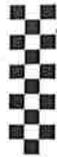
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-64

And said application is hereby APPROVED, subject to the following limitations and conditions:  
SEE ATTACHED ORDER

Witness my hand this 6<sup>th</sup> day of April, 2005:

Ronald Clark  
For the Director



State of Idaho  
Department of Water Resources  
Transfer of Water Rights

**RECOMMENDATION OF WATERMASTER**

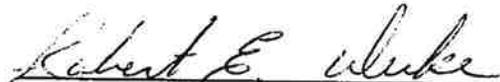
Transfer Application No: 1480                      Water Right No(s): 34-00228A,34-00856G, 34-00229, 34-00360C.

Transfer Applicant's Name: Gary Rogers / Stephan Aikele  
Watermaster's Recommendation:

- a)  I do not oppose approval of this application.
- b)  I do not oppose approval of this application if it is conditioned as follows:
- c)  I oppose approval of this application for the following reasons:
- d)  Additional Comment:

Dated this 4th, day of April., 2005

Water District No: 34

  
Watermaster's Signature



March 31, 2005

Meridith J. Dotzenrod  
3776 W 3700 N  
Darlington, ID 83255

RE: Temporary Change Application for Water Rights 34-2228A, 34-856G, 34-229, & 34-360C

Dear Applicant:

Section 42-222A, Idaho Code, authorizes the Director, of the Department of Water Resources, upon declaration of a drought emergency to approve temporary transfers.

As of the date of this letter there has been no declaration of a drought emergency. As such, **the temporary change application cannot be approve at this time**. For your convenience the temporary change application will be held without further action until either a drought emergency has been declared for Custer County or until May 1, 2005, which ever comes first.

Sincerely,

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Keith C. Wilson  
Senior Resource Agent